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OFFICE OF PETITIONS
Paper No.7

In re Application of :
Thomas D. Merritt :
Application No. 09/475,499 :
Filed: December 30, 1999 :
Attorney Docket No. N/A :
ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 2, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed May 2, 2002, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, by operation of law, the above-identified application became abandoned on June 3, 2002.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the required reply to the Restriction Requirement of May 2, 2002; (2) the petition fee of \$750; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Restriction Requirement of May 2, 2002 is accepted as having been unintentionally delayed.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the petition is being construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the petition.

Application No. 09/475,499

Telephone inquiries concerning this decision should be directed to Thu Nguyen at (571) 272-6967 or in her absence, the undersigned at (571) 272-7099.

The application file is being referred to Technology Center AU 1764 for appropriate action on the concurrently filed amendment.



David Bucci
Petitions Examiner
Office of Petitions